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E-FILED on 11/6/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LAFAYETTE HAYES,

Plaintiff,

v.

DR. WILLIAMS, et al.,

Defendants.

No. C-05-00070 RMW

ORDER GRANTING DEFENDANT'S  
REQUEST FOR EXTENSION OF TIME

[Re Docket No. 20]

On April 10, 2006, when plaintiff was proceeding *pro se*, the court issued an order of service in the above-captioned matter, setting a briefing schedule for dispositive motions. Plaintiff subsequently retained counsel and, because defendants had not yet answered, asked the court to require defendants to answer the complaint. On August 22, 2007, the court ordered defendants to respond to plaintiff's complaint or to show cause by written declaration on or before September 7, 2007 why they have not responded to plaintiff's complaint.

On October 31, 2007 defendant Williams, through his counsel, the Office of the California Attorney General, requested an extension of time to file a dispositive motion. The Office of the Attorney General only received authorization to accept service for Williams in October 2007, and therefore did not receive the court's April 10, 2006 order of service until October 17, 2007. Williams's counsel asserts that due to the press of business he will be unable to file a dispositive motion without extreme hardship until late December and requests an extension of time to December

ORDER GRANTING DEFENDANT'S REQUEST FOR EXTENSION OF TIME—C-05-00070 RMW  
MAG

1 29, 2007 to comply with the court's order of service.

2 Good cause appearing, defendant's motion (docket no. 20) is granted. Defendant shall file a  
3 motion for summary judgment or other dispositive motion on or before December 29, 2007.

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6 DATED: 11/5/07

*Ronald M Whyte*  
RONALD M. WHYTE  
United States District Judge

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**1 | Notice of this document has been electronically sent to:**

**2 || Counsel for Plaintiffs:**

3 | James L. Armstrong jla@theaccidentallawyer.com

#### **Counsel for Defendants:**

John Devine john.devine@doj.ca.gov

8 Counsel are responsible for distributing copies of this document to co-counsel that have not  
registered for e-filing under the court's CM/ECF program.

Dated: 11/00/07

/s/ MAG  
**Chambers of Judge Whyte**